

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF OHIO**

**JUDGMENT IN A CIVIL CASE**

David Banks, :  
Plaintiff, :  
v. : Case No. 2:05-cv-0713  
Mrs. Rees, et al., : JUDGE MARBLEY  
Defendants. :

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**Decision by Court.** This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the August 12, 2008 Order, the defendants' motion for summary judgment is granted with respect to Mr. Banks' Eighth Amendment claim, and that Mr. Banks' state-law claim is dismissed without prejudice. The Report and Recommendation is ADOPTED in its entirety. This action is hereby DISMISSED.

Date: **August 12, 2008**

**James Bonini, Clerk**

s/Betty L. Clark

Betty L. Clark/Deputy Clerk